

AGENDA ITEM 8.2

SEQUIM CITY COUNCIL AGENDA COVER SHEET

MEETING DATE: February 28, 2022

FROM: Barry Berezowsky, DCD Director

Initials: BB

SUBJECT/ISSUE: Adding new section 20.01.045 to Sequim Municipal Code -
Administrative Interpretations

Discussion dates				
CATEGORY	<input type="checkbox"/> City Manager Report	<input checked="" type="checkbox"/> Information Only	Time Needed for Presentation 5 Min	
	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Consent Agenda		
	<input type="checkbox"/> Other Business			
Reviewed by	Initials		Date	
Matthew Huish, City Manager	MBH		2-23-22	
Kristina Nelson-Gross, City Attorney	KNG		2.23.2022	
Charisse Deschenes, Asst. City Manager/Acting City Clerk	CD		2.24.2022	

PROBLEM/ISSUE STATEMENT

From time to time the Zoning Administrator (Director of Department of Community Development (DCD)) will need to make administrative interpretations regarding the meaning of language in the zoning code. The Sequim Municipal Code (SMC) includes a fee for such interpretation and an appeal process but does not contain any provisions regarding what criteria the Director should consider or what process should be followed when making administrative interpretations.

ATTACHMENTS

1. [Proposed new section SMC 20.01.045 Administrative Interpretations](#)
2. [Proposed ordinance adopting new section SMC 20.01.045](#)
3. [Ancillary Code Exhibit](#)

DISCUSSION/ANALYSIS

The purpose of an Administrative Interpretation is for the DCD Director¹ (Director) to make an interpretation of the provisions of the zoning code, clarifying conflicting or ambiguous

¹ The Director of Public Works and City Engineer may make administrative interpretation when required that relate specifically to code provision under their authority.

wording or the scope or intent of a provision. A request for a zoning code interpretation must relate to a specific site, land use district, use, or application within the city of Sequim. An interpretation of the provisions of the zoning code may not be used as, or considered to be, an amendment to the zoning code, but instead only a clarification.

While the SMC provides for the Director to make similar use determinations (SMC 18.20.015), it does not specifically include provisions to follow when making an administrative interpretation. SMC 20.01.240 provides for appeals of administrative interpretations and the City's fee schedule (SMC 3.68) includes a fee for requesting an administrative interpretation; however, the code provides no procedural guidance or criteria for the Director to consider when making an administrative interpretation. This lack of policy, guidelines, or procedures on handling administrative interpretations places the Director and City in a precarious position if an interpretation is challenged in court.

The purpose of this new code section is to provide the Director with a clear and consistent path to follow when making administrative interpretations.

FINANCIAL IMPLICATIONS

None.

RECOMMENDATION

This is presented as a first touch, for information only. However, a proposed ordinance is included in case Council wishes to adopt it tonight. In the alternative, Council can direct us to bring the ordinance back at a future meeting. Although no public hearing is required, Council can also direct staff to schedule one, if desired.

MOTION

None at this time.

OR

Move to [APPROVE], [DENY], [APPROVE WITH MODIFICATIONS] the proposed ordinance adopting new section 20.01.045 of the Sequim Municipal Code covering Administrative Interpretations.

OR

Move to direct staff to schedule a public hearing on this issue in the regular manner.